



Date: 10-11-2021

Dr. Gary Anthonie
Attn: Matt Gelvin, Program Manager, Ron Briel, Program Specialist
Division of Administrative Services
Nebraska Department of Health and Human Services
301 Centennial Mall South
P.O. Box 95026
Lincoln, NE 68509-5026

Dear Dr. Anthonie,

The Nebraska Association for Behavior Analysis (NEABA) Public Policy Group is submitting this letter to request that the Department of Health and Human Services (DHHS) initiate a review of the behavior analysis profession under the Credentialing Review (407) Program. NEABA is composed of Nebraskans providing behavior analytic services to a wide range of client populations all over the state. That includes professionals at numerous private service providers, the University of Nebraska Medical Center, University of Nebraska-Omaha, University of Nebraska-Lincoln, DHHS, and behavior analysts working as sole practitioners.

Behavior analysis is a distinct scientific discipline and profession that takes a natural science approach to understanding behavior in relation to environmental events. Over the past several decades the discipline has developed a large array of evidence-based procedures for assessing and building socially important behaviors in a wide range of people with and without specific diagnoses or conditions. The profession has an established scope of practice, academic and clinical training requirements, standards for ongoing education, a code of ethics, and professional examinations in the practice of behavior analysis, all of which are encompassed in the accredited professional certification programs that have been operated by the independent, nonprofit Behavior Analyst Certification Board (BACB) since 1998. The certification components and standards are comparable to those of other professions that are currently licensed by the Nebraska Board of Mental Health Practice and are incorporated in the Association of Professional Behavior Analysts' model licensure act.

The four initial credentialing criteria are paraphrased below along with a brief summary how each one is addressed in this proposal.

1. **Assure safety of the public.** Although many behavior analysts in Nebraska hold a certification issued by the BACB, that credentialing body has no authority to require everyone who purports to practice behavior analysis to hold its certifications or to enforce its ethical and other standards with anyone except its certificants. At present there is no law requiring everyone who practices behavior analysis in this State to meet established professional standards. Many behavior analysts work with individuals or groups who engage in highly aggressive, destructive, or self-injurious behaviors. These populations are particularly vulnerable and can be easily harmed by people who purport treatments that are not evidence-based and are not effective.
2. **Implement procedures that do not impose hardship to the public.** The BACB standards provide a blueprint from which to judge the qualifications of Behavior Analysts. Many of the behavior analysts in the State hold this credential. This proposal plans to use this blueprint for establishing the standards for Nebraska Behavior Analysts. This will reduce the cost of implementing this license which will in turn keep costs to consumers down. Currently there



are over 160 Board Certified Behavior Analysts in in Nebraska. The profession has grown enough to support the need across the State. It will not diminish the number of qualified providers but should, in fact, increase those numbers as Behavior Analysts seek to practice in a state with licensure (currently 33 states have licensure for Behavior Analysts).

3. **Provide assurance of an individual's professional ability.** There currently is no entity within the State to whom consumers, employers, and funders can turn to identify qualified ABA practitioners or raise questions about the conduct of individuals who claim to provide ABA services. This conflicts with the Mental Health Practice Act, which emphasizes that consumers need to be assured that the activities of persons providing therapeutic mental health services are regulated in order to protect public health, safety, and welfare.
4. **Protecting the public cannot be accomplished by a more effective alternative.** There is no effective alternative that provides the scope of protections that licensure provides. As noted above, the BACB can regulate individuals who carry that credential, but is powerless to protect consumers who are wronged or injured by an unqualified person claiming to be a behavior analyst.

NEABA firmly believes that Nebraskans need assurance that those who practice behavior analysis professionally in our state meet the well-established education, practical training, examination, ethical, and other standards of the profession as well as the criteria set forth in LB407 under Evaluation of Proposals for Initial Credentialing of the Members of Unregulated Health Professionals Currently Allowed to Engage in Full Practice. To that end, NEABA intends to propose legislation to establish uniform, objective requirements for obtaining and maintaining licenses in the professional practice of behavior analysis and a licensing body to oversee the practice of behavior analysis in the State of Nebraska. We ask DHHS to conduct a 407 review considering the information presented here.

The applicant group requests a waiver of the \$500.00 fee associated with this filing as the coalition supporting this effort is composed of nonprofit organizations with limited funding. If you have any questions or require additional information, please contact Dr. Steve Taylor (staylor54@centurylink.net) or Desiree Dawson (desiree.dawson@unmc.edu)

Respectfully submitted,

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